

STRAWBRIDGE ET AL. v. CURTISS ET AL.

STRAW-
BRIDGE
ET AL.
v.
CURTISS
ET AL.

THIS was an appeal from a decree of the circuit court, for the district of Massachusetts, which dismissed the complainants' bill in chancery, for want of jurisdiction.

Some of the complainants were alleged to be citizens of the state of Massachusetts. The defendants were also stated to be citizens of the same state, excepting Curtiss, who was averred to be a citizen of the state of Vermont, and upon whom the subpoena was served in that state,

The question of jurisdiction was submitted to the court without argument, by *P. B. Key*, for the appellants, and *Harper*, for the appellees.

If there be two or more joint plaintiffs, and two or more joint defendants, each of the plaintiffs must be capable of suing each of the defendants, in the courts of the United States, in order to support the jurisdiction.

On a subsequent day,

MARSHALL, Ch. J. delivered the opinion of the court.

The court has considered this case, and is of opinion that the jurisdiction cannot be supported.

The words of the act of congress are, "where an alien is a party; or the suit is between a citizen of a state where the suit is brought, and a citizen of another state."

The court understands these expressions to mean that each distinct interest should be represented by persons, all of whom are entitled to sue, or may be sued, in the federal courts. That is, that where the interest is joint, each of the persons concerned in that interest must be competent to sue, or liable to be sued, in those courts.

But the court does not mean to give an opinion in the case where several parties represent several distinct in-

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terests, and some of those parties are, and others are not, competent to sue, or liable to be sued, in the courts of the United States.

Decree affirmed.

GORDON
V.
CALDCLEUGH
ET AL.

GORDON v. CALDCLEUGH ET AL.

This court has not jurisdiction upon a writ of error to a state court, under the 25th section of the judiciary act of 1789, if the decision of the state court be in favour of the privilege claimed under an act of congress.

THIS was a writ of error to the judges of the court of equity of the state of South Carolina, holden in and for the eastern district of the said state.

James Gordon, "of the city of Charleston, in the state aforesaid," filed a bill in equity against Caldcleugh and Boyd, "of London, in the kingdom of Great Britain," William Muir, "of Hamburg," and John Gillespie, George M'Kay, and Joseph Reid, whose residence is not mentioned in the bill. At the return of the subpœna, Caldcleugh, Boyd and Reid, appeared and filed a petition, stating themselves to be aliens, and subjects of the king of Great Britain, and that the complainant was a citizen of the state of South Carolina, and praying that the cause might be removed to the circuit court of the United, according to the 12th section of the judiciary act of 1789. To which petition, Gordon, the complainant, answered, that the prayer thereof ought not to be granted, because Gillespie and M'Kay, two of the defendants, were citizens of the state of South Carolina. But the court, "after observing that the parties defendants to the suit, *residing in this state*, were stakeholders, and not materially concerned in the determination of the cause, ordered that it be transferred to the federal court; agreeable to the prayer of the petition."

The complainant immediately, in the same court, assigned errors, in the following form: "Whereupon the said James Gordon, comes and says, that in the